

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Catia Bastioli, et al.)
)
Serial No.: 09/936,534) July 10, 2003
)
International Filing Date: March 14, 2000)
)
For: **ARTICLES TO BE CHEWED BY ANIMALS**)

**RENEWED PETITION UNDER 37 C.F.R. § 1.181
TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.137(a), OR,
IN THE ALTERNATIVE, UNDER § 1.137(b)**

Commissioner for Patents
Mail Stop PCT
P.O. Box 1450
Alexandria, VA 22313-1450

Attn. Office of PCT Legal Administration

Sir:

RECEIVED

11 SEP 2003

**Legal Staff
International Division**

The above-captioned application was held abandoned on January 27, 2003. On January 29, 2003, applicants filed a paper entitled "Petition to Revive Abandoned Application Under 37 C.F.R. § 1.137(a) or in the Alternative, Under 37 C.F.R. § 1.137(b)." A copy of that paper is attached as Exhibit A, and is incorporated into this renewed petition in its entirety.


On June 23, 2003, a decision denying the petition was mailed ("the Decision"). The Decision was received in the undersigned's offices on June 30th. Due to the 4th of July holiday and vacation schedules, the Decision was only brought to the undersigned's attention on July 9th.

Reconsideration of the Decision is respectfully requested. It is not believed that any fee is due, but if it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this paper is enclosed.

In the Decision, Attorney-Advisor Anthony Smith explained that the Petition was denied because "a copy of the docket record where the non-received Office Action would have been entered had it been received" was not included with the original petition. Accordingly, a copy of that docket record is enclosed as Exhibit B. Also enclosed as Exhibit C - as suggested by Attorney-Advisor Smith in the Decision - is a copy of a report from the undersigned's docketing system showing all applications for which a response was due on January 15, 2002. For completeness, another docket report, showing all actions due between January 14 and January 16, 2002, is also enclosed as Exhibit D.

In view of the information and documents presented herein, in conjunction with the original petition, it is respectfully requested that the holding abandonment be withdrawn. Please direct any questions to the undersigned

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on July 10, 2003.



Respectfully submitted,

By: 

N. Whitney Wilson
Registration No. 38,661
BRYAN CAVE LLP
1290 Avenue of the Americas
New York, New York 10104-3300
(202) 508-6112

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Catia Bastioli, et al.

Serial No.: 09/936,534

International Filing Date: March 14, 2000

For: ARTICLES TO BE CHEWED BY ANIMALS

January 29, 2003

**PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 C.F.R. § 1.137(a), OR,
IN THE ALTERNATIVE, UNDER § 1.137(b)**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Applicants respectfully request that the above-identified application be revived pursuant to 37 C.F.R. § 1.137(a) because it was unavoidably abandoned. In the event that it is determined that the abandonment was not unavoidable, applicants would request revival under 37 C.F.R. § 1.137(b) on the grounds that the abandonment was unintentional. The following items are included with this petition:

- A check in the amount of \$55.00, which represents the small entity fee for reviving an unavoidably applications under 37 C.F.R. § 1.17(1).
- The inventor's signed declaration in compliance with 37 C.F.R. § 1.497(a) and (b), along with a copy of a document entitled Notification of Missing Requirements. If any extension fees are required, they may be charged to Deposit Account No. 02-4467.
- Applicants' statement that the delay in filing the Notice of Appeal was unavoidable, as set forth below.

If any of the above checks are missing or otherwise insufficient, or if any additional fees are required, please charge (or credit any overpayment) to Deposit Account No. 02-4467.

Papers to enter the National Phase under 35 U.S.C. § 371 were filed on September 14, 2001. On December 5, 2001, an Information Disclosure Statement was filed. On January 27, 2003, the undersigned's office made a telephonic status inquiry regarding the application, and were informed that a document entitled "Notification of Missing Requirements Under 35 U.S.C. § 371 In the United States Designated/Elected Receiving Office (DO/EO/US)" (hereinafter "Missing Parts Notification") had been mailed to applicants' attorneys on November 15, 2001, and that a Notice of Abandonment was being issued that day (January 27). At our request, copies of each of those documents were faxed to us.

On January 28, a search of the undersigned's law firm's docket records and the file for this application was performed which showed that the Missing Parts Notification was never received, although other mailings from the PTO which were sent at about the same time (from October 15 through November 30, 2001) were received. The undersigned does not know why the Missing Parts Notification was not received, but suspects it may be related to the disruptions in the mail caused by the anthrax situation which occurred about that time.

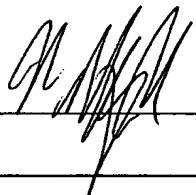
In view of the fact that the Missing Parts Notification was never received, it could never have been responded to, and abandonment of the application was unavoidable. Moreover, because this petition is being filed only two days after the Notice of Abandonment was issued and the earlier issued Missing Parts Notification was received,

applicants submit that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition to revive was unavoidable. Accordingly, revival pursuant to the provisions of 37 C.F.R. § 1.137(a) is requested and is appropriate.

It is applicants' belief that the abandonment was unavoidable and was certainly unintentional. Therefore, if it is determined that revival pursuant to 37 C.F.R. § 1.137(a) (unavoidable abandonment) will not be granted, revival pursuant to 37 C.F.R. 1.137(b) (unintentional abandonment) is requested. If necessary, the additional fees may be charged to Deposit Account 02-4467.

Applicants respectfully submit that the enclosed papers and fees complete the Petition for Revival of Abandoned Application and request revival of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on January 29, 2003.



Respectfully submitted,

By: 

N. Whitney Wilson
Registration No. 38,661
BRYAN CAVE LLP
245 Park Avenue
New York, NY 10167-0034
Phone: (202) 508-6112